IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

RCRev.No. 67 of 2007()

RCA.117/2004 of II ADDL.DISTRICT COURT,ERNAKULAM
RCP.113/2003 of III ADDL.M.C.EKM (RENT CONTROL)
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REVISION PETITIONER/APPELLANT/RESPONDENT:

A.K.ABDUL AZEEZ,
ADVOCATE, 22/372,
F.I.VEEKEY TOWERS,
T.A. BEERANKUNJU ROAD,
ERNAKULAM NORTH.

BY ADV. SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH

RESPONDENT/RESPONDENT/PETITIONER:
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1. **P.M.ABDUSAMAD,**
S/O.MUHAMMED KOYA,
AGED 53 YEARS, H.NO.1288,
ST.MARTIN ROAD, PALARIVATTOM.

2. **SHYLA ABDUSAMAD, AGED 44 YEARS,**
W/O.ABDUSAMAD,
-DO-, -DO-.

BY ADV.SRI.S.SREEKUMAR FOR CAVEATORS

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

R.C.R. NO. 67 OF 2007

Dated this the 27th day of February, 2007

O R D E R

Raman, J.

When the matter came up for consideration today, the learned counsel appearing for the petitioner brought to our notice the statement he has filed before this court withdrawing his contention raised in the proceedings, and pleaded for one years time for giving the vacant possession of the premises.

2. We have heard both sides.

3. Since the Revision Petitioner has withdrawn his contentions, the R.C.R. will stand dismissed as withdrawn. However, we think it appropriate to grant him reasonable time for surrendering vacant possession of the premises.

Accordingly, we direct as follows:

1. Petitioner shall surrender vacant possession of the petition schedule premises on or before 31st August 2007.
2. The execution pursuant to the order of eviction in R.C.P.No.113/03 on the file of Rent Control Court, Ernakulam as confirmed in RCA No.117/04 on the file of Rent Control

Appellate Authority, Ernakulam will stand deferred till 31st August 2007.

3. The petitioner shall pay arrears of rent if any, within a period of one month from today.

4. Petitioner shall continue to pay the amount equivalent to the monthly rent by way of compensation for use and occupation until possession is given.

5. Petitioner shall not induct any third party to the premises.

6. Petitioner shall give a written undertaking in the form of an affidavit before the Execution Court agreeing to abide by the above conditions. Such affidavit shall also be filed within a period of one month from today.

In case of failure to comply with any of the above conditions, it will be open to the landlord to seek eviction forthwith.

P.R.RAMAN, JUDGE

ANTONY DOMINIC, JUDGE

Rp